Supreme Court, U.S.
FILED

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No.

In the SUPREME COURT OF THE UNITED STATES

October Term 1997

WILLIAM H. BRANDT
Petitioner

v.

ORTHOPEDICS CONSULTANTS
OF WASHINGTON, Inc. P.S.
and
WEST COAST ADJUSTORS
Respondents

ON PETITION FOR A WRIT OF CERTIORARI
TO THE NINTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

William H. Brandt, pro se

19024 – 32nd Ave. NE
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Phone: (206) 363-8399

QUESTION PRESENTED

Were the awards of fees & costs to OCW and WCA just?

Brandt seeks review of the order in the Ninth Circuit case No. 98-35092 filed April 27, 1998 under your Rule 10 pursuant to 28 USC s1254(1). Your authority is 28 USC s1919.

The record of the underlying case No. 97-36055 shows that OCW harmed Brandt by knowingly assigning a fraudulent claim to an unscrupulous collection agency WCA. Brandt stated a federal claim but was dismissed because the court felt that the matter belonged in state court. Since then, Brandt has sought relief in state court to no avail.

The ORDER should be reversed in the interest of justice. Congress would be appalled by any award to a medical "mafia" like OCW and its enforcer WCA. Brandt should be awarded double costs and a fee to compensate for having to defend against this frivolous litigation.

William H Brandt

WILLIAM H. BRANDT

W. WA @ Seattle

DISTRICT COURT Case No. C97-957D
ORDER AWARDING FEES AND COSTS

THIS MATTER comes before the Court on defendant West Coast Adjustor's Motion for Award of Fees, Costs, and Sanctions. The Court has considered the supporting and opposing materials and the record as a whole and hereby grants fees and costs to defendant....

Plaintiff and his wife were sued in State district court by defendant (OCW) and its collection agency (WCA) for unpaid medical bills. Judgment was entered against plaintiff and his wife by the district court and affirmed by the superior court. Plaintiff then filed this federal suit claiming fraud and alleging injury to his constitutional rights. U.S. Magistrate Judge David E. Wilson recommended dismissal for failure to state a claim, and the Court adopted his report and dismissed with prejudice. Defendant WCA now seeks reasonable attorney fees and costs from plaintiff....

The Court may award attorneys' fees to a prevailing party upon a motion by that party, and shall award costs. Fed. R. Civ. P. 54(d). Plaintiff has pursued an unreasonable claim in this Court, and failed to cure defects or withdraw even after Judge Wilson gave him clear notice and warning. The Court finds defendant's requested fees and costs in the amount of $6,104.87 to be reasonable....

THEREFORE, defendant's motion for fees and costs is GRANTED....

DATED this 10 day of December, 1997.

ORDER GRANTING COSTS AND FEES

....The Court hereby resolves these matters...by awarding $14,000 in reasonable fees and expenses to defendant OCW....

ACCORDINGLY, defendant OCW's motion for sanctions is GRANTED in the amount of $14,000 for fees and costs....

DATED this 30 day of January, 1998.

Carolyn R. Dimmick, District Judge

NINTH CIRCUIT No.98-35092 filed APR 27, 1998

Before: BRUNETTI, RYMER, and T.G. NELSON, Judges

Appelees' joint motion for summary affirmance of the district court's December 10, 1997 and January 30, 1998 orders is granted.

Appellees also have requested attorneys' fees and double costs as a sanction against bringing a frivolous appeal.

We award appellees double costs for the filing of this frivolous appeal. We decline to award attorneys' fees to appellees.

No motions for reconsideration, modification, or clarification of this order shall be filed or entertained.

AFFIRMED.